

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:20-cv-00568-FDW-DSC

XPRESS GROUP, INC.,

Plaintiff,

vs.

KENNETH CUCCINELLI, in his official
capacity as the Senior Official performing the
Duties of the Director of USCIS,

Defendant.

ORDER

THIS MATTER is before the Court *sua sponte* following the parties' Status Report (Doc. No. 10) advising the Court of the status of the administrative proceedings in this matter and requesting the Court lift the stay and set certain deadlines. Pursuant to the representations in the Status Report concerning the parties' respective positions on the procedural posture of this case, the Court construes that filing as a Motion to Amend.¹ Notably, the Court finds that under this record, justice requires leave be given under Fed. R. Civ. P. 15(a)(2) and hereby GRANTS Plaintiff leave to amend the Complaint.

IT IS THEREFORE ORDERED that the STAY IS LIFTED in this case; Plaintiff is GRANTED LEAVE TO AMEND THE COMPLAINT and shall file the Amended Complaint by

¹ Although the Status Report requests this Court set a deadline for filing a *motion* to amend and notes Defendant "has not seen but does not expect to oppose on Rule 15 grounds," (Doc. No. 10, p. 2), the Court finds no sufficient reason to delay resolution of that motion, particularly where leave to amend should be freely given by the Court pursuant to Fed. R. Civ. P. 15(a)(2).

June 4, 2021; and Defendant shall have sixty (60) days from the filing of the Amended Complaint to answer or otherwise respond.

IT IS SO ORDERED.

Signed: May 26, 2021

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

